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10 Attorneys for Defendants
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

20 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. have
21 negotiated and finalized a settlement agreement, which is in the process of being signed by the
22 parties. Accordingly, the parties previously stipulated that Defendants had an extension of time
23 up to and including August 27, 2008 to answer or otherwise respond to Plaintiff's Complaint for
24 Injunctive Relief and Damages for (1) Federal Unfair Competition (15 U.S.C. § 1125(a)); (2)
25 California Unfair Competition (B&P Code § 17200); (3) Common Law Unfair Competition.

26 The parties are hopeful that they will be able to finalize their settlement and dismiss this
27 matter shortly. Accordingly, the parties, by and through their undersigned attorneys, hereby
28 stipulate and agree that Defendant shall have an additional extension of thirty days (30) days to
answer or otherwise respond to Plaintiff's Complaint, up to and including September 26, 2008.

This will be the thirteenth extension of time entered in this case. This stipulation is not

1 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
2 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
3 either the Court's or their time and resources on further litigation.

4 Dated: August 27, 2008

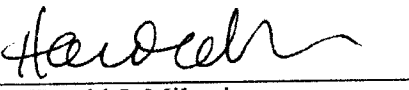
MORGAN, LEWIS & BOCKIUS LLP

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6 By 
Diane J. Mason

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8 Attorneys for Defendant DEPUY, INC. and
DEPUY SPINE, INC.

9 Dated: August 27 2008

HELLER EHRMAN LLP

10
11 By 
12 Harold J. Milstein

13 Attorneys For Plaintiff SPOTLIGHT
14 SURGICAL, INC.

15
16 PURSUANT TO STIPULATION, IT IS SO ORDERED

17
18 Dated: _____

19 _____
The Honorable Jeremy Fogel
United States District Judge